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EXECUTIVE
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May 8, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Sheryl L. Walter 
Acting Assistant Attorney General

SUBJECT: Weekly Report for May 7, 2001- May 11, 2001

THIS WEEK

FISA: On May 7, OLA accompanied a representative from FBI to a briefing of Senate Select Intelligence Committee staff on a matter raised by a pending FISA case. On May 11, Acting Counsel for Intelligence Policy and Review Jim Baker will brief Senate Select Intelligence Committee staff on the FISA semiannual report and legal issues related to FISA case. (Walter)

Lucent: John Dion, Chief of the Internal Security Section, and Martha Stansell-Gamm, Chief of the Computer Crime and Intellectual Property Section of the Criminal Division, will join a FBI representative in briefing Senate Select Intelligence Committee staff on May 9 on the arrests of individuals charged with stealing and passing trade secrets to China. (Walter)

Section 508 Implementation: Representative Davis will conduct a multi-agency briefing on implementation of Section 508 of the Rehabilitation Act on May 9, 2001. Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government. The Disability Rights Section of the Civil Rights Division and OLA will participate. (Tanner, Scott-Finan)

Counterterrorism: On May 9, you are scheduled to testify at a joint hearing before the Senate Appropriations Committee (Stevens, Chair), Senate Select Committee on Intelligence (Shelby, Chair) and the Senate Armed Services Committee (Warner, Chair) on counterterrorism. (Daley)

Preparedness Against Domestic Terrorism: On May 9, the Subcommittee on Economic Development, Public Buildings and Emergency Management (La Tourette, Chair) of the House Committee on Transportation and Infrastructure has scheduled a hearing on H.R.525, the Preparedness Against Domestic Terrorism Act of 2001. Mary Lou Leary, AAAG, Office of Justice Programs, is scheduled to testify. (Daley)

Nominations: The Senate Judiciary Committee has scheduled a hearing for May 9 on the nominations of Viet Dinh, to be Assistant Attorney General for the Office of Legal Policy, and Michael Chertoff, to be Assistant Attorney General for the Criminal Division.

On May 3, the Senate Judiciary Committee held a business meeting to mark up the nominations of Larry Thompson, Ted Olson, Charles James and Dan Bryant. Both Larry Thompson and Ted Olson were held over by the Committee at the business meeting the prior week. The Committee debated the Blue Slip policy but did not vote on the nominees. The Democrats left the markup to caucus about whether they would permit a vote on the Departmental nominees. The Committee has scheduled a business meeting for May 10, at which we expect all nominees to be on the agenda again. (Scott-Finan)

Authorization Hearings: On May 9, the House Judiciary Committee's Subcommittee on Commercial and Administrative Law (Barr, Chair), will hold an oversight hearing of ENRD, CIV, EOUST, and EOUSA, ENRD AAAG John Cruden, CIV AAAG Stuart Schiffer, EOUST Acting Director Martha Davis and EOUSA Acting Director Mark Calloway will testify. (Thorsen)

Coordination of Criminal Justice Programs in the District of Columbia (D.C.) On May 11, the Subcommittee on the District of Columbia (Morella, Chair) of the House Government Reform Committee will hold a hearing on how the various federal and local agencies that have responsibility for criminal justice in D.C. can better coordinate their activities. Acting U.S. Attorney for the District of Columbia Kenneth Wainstein has been invited to testify. (Scott-Finan)

Bankruptcy: Published reports indicate that Senate Majority Leader Trent Lott (R-Miss.) and Minority Leader Tom Daschle (D-S.D.) are close to an agreement on dividing the power for conference committees. We have not heard any word on timing for the conference on bankruptcy reform legislation. (Wilson)

THE WEEK AHEAD

FISA: On May 14, Acting Counsel for Intelligence Policy and Review Jim Baker will brief House Permanent Select Intelligence Committee staff on the FISA semiannual report. On May 17, Jim Baker and representatives from FBI and CIA will brief Senate Select Intelligence Committee staff on the status of a pending FISA case. (Walter)

Hanssen: The Senate Select Committee on Intelligence will hold a hearing on the case's status on May 15 with FBI Director Freeh in his last appearance before the Committee before he resigns from the Bureau. You will be invited to participate, as will Director of Central Intelligence George Tenet. (You will also be invited to testify before this Committee on May 22, the day after the deadline for indicting Hanssen, on where the case stands. If there is an earlier resolution of the case through a plea, the Committee has asked that you appear the day after that occurs.) (Walter)

Antitrust: Acting Assistant Attorney General John Nannes will testify at a May 17 hearing before the Senate Appropriations Subcommittee on Agriculture concerning agricultural market concentration. (Coughlin, Slover)

Consequences for Juvenile Offenders Act of 2001: On April 19, the Department sent its views on H.R. 863, "Consequences for Juvenile Offenders Act of 2001" to the House Judiciary Committee. Full Committee markup has already occurred on this bill, and House floor consideration is expected in the next few weeks. We supported the bill. Representative Greenwood has indicated that a hearing is tentatively scheduled on May 17 on provisions he had introduced in H.R. 1150 in the 105th Congress and that were included in H.R. 1501 in the 106th (sections 1312-1314). We may be invited to testify. (Owen)

SW Border - Prescription Drugs: The House Committee on Energy and Commerce plans to conduct a hearing on May 22, 2001, concerning the flow of prescription drugs into the United States. The hearing will address importation of prescription drugs by mail, and also land imports pursuant to the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357. This Act allows individuals to bring into the United States from another country up to 50 doses of controlled substances (other than Schedule I) without a prescription. DEA has been asked to provide a witness. (Tanner)

SPAM: The Senate Commerce Committee, Subcommittee on Communications (Burns, Chair) held a hearing on April 26 Spam (S. 630), at which the FTC, Representative Goodlatte, and witnesses from the financial services industry, the direct marketing industry, consumer protection interests, and the ISP industry testified. The Subcommittee has indicated that they soon plan to mark the bill up, and have sought the Department's views. The House Judiciary Committee is also planning to hold a hearing and markup on House versions of the bill (H.R. 718, H.R. 1017), and has asked to consult with the Department. The Judiciary Committee's sequential referral expires on June 5, 2001. The Department is currently consulting with the White House and other agencies regarding what view, if any, the administration might have on these bills, all of which have criminal enforcement provisions. (Owen)

THE WEEK IN REVIEW

FISA: On May 1, Deputy Counsel for Intelligence Operations Jim Baker, accompanied by representatives from FBI, briefed Senate Select Intelligence Committee staff on particular matters raised by pending FISA cases. (Walter)

Title III Wiretaps: On May 1, Section Chief Jim Reynolds from the Terrorism and Violent Crime Section of the Criminal Division briefed Senate Select Intelligence Committee staff on issues related to use of wiretaps in terrorism cases and concerns raised by proposed requirements for sharing of wiretap take with the intelligence community. (Walter)

Hanssen: Deputy Assistant Attorney General Bruce Swartz and Acting Chief of the Internal Security Section John Dion, both of the Criminal Division, attended a briefing for Senate Select Intelligence Committee staff by FBI and CIA representatives on May 3 on aspects of this case. (Walter)

Burton Hearing on Erroneous Conviction and Sentence of Joseph Salvati: On May 3, 2001, the House Government Reform Committee held a hearing on the conviction and 35-year sentence

of a Joseph Salvati for a 1965 murder that he did not commit. The Committee's focus is FBI conduct relating to the handling of informants and their role in this prosecution. The Department has expressed its concerns to the Committee about any further hearings regarding the FBI's handling of informants in Boston, which is the subject of pending investigations and prosecution by a Joint Task Force. We also asked the Committee not to disclose publicly certain documents because of the probable impact on our prosecutions resulting from pretrial publicity that would result from the disclosures at this time. (F.Burton)

Authorization Hearings: On May 3, the House Judiciary Committee's Subcommittee on Crime (Smith, Chair) held an oversight hearing of the FBI, DEA, BOP, and USMS. FBI Deputy Director Thomas Pickard, DEA Administrator Donnie Marshall, BOP Director Kathleen Hawk Sawyer and USMS Acting Director Louie T. McKinney testified. (Thorsen)